IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 31866 of 2006(R)

PETITIONER:

P.MAHENDRAKUMAR,
MUNGOTTUKUZHIYIL, KANDALA, KATTAKKADA,
TRIVANDRUM.
(PD TEACHER & ASSOCIATE NCC OFFICER).

BY ADV. SRI.S.MOHANDAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION (A) DEPARTMENT, TRIVANDRUM.

2. DEPUTY DIRECTOR OF EDUCATION,
KILLIPPALAM, TRIVANDRUM.

3. DY. DIRECTOR GENERAL,
N.C.C. KERALA & LAKSHADWEEP, COTTON HILL BUNGALOW,
TRIVANDRUM-10.

4. SRI. K.SURESH KUMAR,
H.S.A. (ENGLISH), GOVT. VOCATIONAL HIGHER
SECONDARY SCHOOL, VEERANAKAVE,
NEYYATTINKARA EDUCATIONAL DISTRICT, TRIVANDRUM.

BY GOVERNMENT PLEADER SMT.M.R SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE GOVERNMENT LETTER DTD. 11.5.2005.

EXT.P2: COPY OF LETTER DTD. 26.7.2006 ISSUED BY COMMANDING OFFICER, NCC.

EXT.P3: COPY OF DUTY CERTIFICATES DTD. 28.7.2006 ISSUED BY COMMANDING OFFICER, NCC.

EXT.P4: COPY OF ORDER NO. 1(2) 20569/2006 DTD. 28.7.2006 ISSUED BY 2ND RESPONDENT.

EXT.P5: A COPY OF ORDER NO.1(2) 20569/06 DTD. 11.8.2006 ISSUED BY THE 2ND RESPONDENT.

EXT.P6: COPY OF REPRESENTATION DTD. 19.8.2006 SUBMITTED BY THE PETITIONER TO 3RD RESPONDENT.

EXT.P7: COPY OF REPRESENTATION DTD. 19.8.2006 SUBMITTED BY THE PETITIONER TO 2ND RESPONDENT.

EXT.P8: COPY OF LETTER DTD. 22.9.2006 ISSUED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT AND OTHERS.

EXT.P9: COPY OF LETTER DTD. 1.12.2006 ISSUED BY 2ND RESPONDENT.

EXT.P10: COPY OF REPRESENTATION DTD. 10.1.2007 SUBMITTED BY THE PETITIONER.

EXT.P11: COPY OF LETTER DTD. 6.12.2006 ISSUED BY THE 3RD RESPONDENT.

EXT.P12: COPY OF LETTER DTD. 8.2.2007 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:

EXT.R2(a): COPY OF MEMO OF CHARGES.

EXT.R2(b): COPY OF ENQUIRY REPORT.

ANNEXURE-1: COPY OF AUDIT REPORT.

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// TRUE COPY //

P.A. TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 31866 OF 2006

Dated this the 9th day of July, 2007

J U D G M E N T

In view of the intervening developments, I do not deem it necessary to deal with the various contentions raised by the petitioner particularly that he has been implicated in the departmental proceedings without any basis or justifiable reasons.

2. On a query made by this Court, learned Government Pleader after getting instructions submits that the proceedings against the petitioner would be completed within four months. She further submits that in the course of the departmental enquiry it has been found that the amount of defalcation has been found to be in the region of Rs.3 lakhs.

3. Learned counsel for the petitioner takes strong exception to the stand taken by the Department. He contends that it is purely an act of victimisation. He had nothing to do with the funds of the PTA. Anyhow, these are all matters which have to be considered by the competent authority. Therefore, I refrain from making any comment on the contentions raised either by the petitioner or by the Department.

The writ petition is disposed of with a direction to respondent No.2 to complete the proceedings pending against the petitioner, as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. I hasten to add that I have not considered the merit of the contentions raised by the petitioner. It will be open to him to urge all his contentions before the departmental officer in the proceeding that may be initiated against him. In the meanwhile the department may, to the extent possible accommodate the petitioner at a station where there is NCC unit keeping in view Ext.P1 order of the Government in this regard.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007